

II

(Non-legislative acts)

REGULATIONS

COMMISSION DELEGATED REGULATION (EU) 2022/2287

of 12 August 2022

amending Delegated Regulation (EU) 2021/2065 establishing a discard plan for turbot fisheries in the Black Sea as regards the extension of the high survivability exemption to the landing obligation for turbot in the Black Sea

THE EUROPEAN COMMISSION,

Having regard to the Treaty on the Functioning of the European Union,

Having regard to Regulation (EU) No 1380/2013 of the European Parliament and of the Council of 11 December 2013 on the Common Fisheries Policy, amending Council Regulations (EC) No 1954/2003 and (EC) No 1224/2009 and repealing Council Regulations (EC) No 2371/2002 and (EC) No 639/2004 and Council Decision 2004/585/EC ⁽¹⁾, and in particular Article 15(6) thereof,

Whereas:

- (1) Article 15 of Regulation (EU) No 1380/2013 establishes a landing obligation for all catches of species which are subject to catch limits. Under Article 15(1), point (d), of Regulation (EU) No 1380/2013, the landing obligation is to apply to species which define the fisheries at the latest from 1 January 2017. Turbot in the Black Sea is one of those species.
- (2) On 20 October 2016, the Commission adopted Commission Delegated Regulation (EU) 2017/87 ⁽²⁾ establishing a discard plan for turbot fisheries in the Black Sea, which provided for a survivability exemption of turbot caught with bottom-set gillnets. It applied from 1 January 2017 until 31 December 2019. On 25 August 2021, Commission Delegated Regulation (EU) 2021/2065 ⁽³⁾ establishing a discard plan for turbot fisheries in the Black Sea was adopted, which applies from 1 January 2022 until 31 December 2022.
- (3) Bulgaria and Romania have a direct fisheries management interest in the exploitation of turbot in the Black Sea. On 12 February 2021, those Member States submitted a joint recommendation to the Commission, requesting the renewal of the discard plan and of the survivability exemption of turbot caught with bottom-set gillnets in the Black Sea. On 15 July 2021, those Member States submitted an updated joint recommendation. In accordance with Article 3(3) of Delegated Regulation (EU) 2021/2065, those Member States submitted on 29 April 2022 and 10 May 2022 additional data on survival estimates relating to the gillnet fishery for turbot caught with bottom-set gillnets in the Black Sea.

⁽¹⁾ OJ L 354, 28.12.2013, p. 22.

⁽²⁾ Commission Delegated Regulation (EU) 2017/87 of 20 October 2016 establishing a discard plan for turbot fisheries in the Black Sea (OJ L 14, 18.1.2017, p. 9).

⁽³⁾ Commission Delegated Regulation (EU) 2021/2065 of 25 August 2021 establishing a discard plan for turbot fisheries in the Black Sea (OJ L 421, 26.11.2021, p. 14).

- (4) The Scientific, Technical and Economic Committee for Fisheries (*) ('STECF') assessed the updated joint recommendation submitted and welcomed the efforts done to conduct a survivability study on turbot in the Black Sea that looked at the vitality of caught individuals. The STECF also recognised that the data provided is valuable for assessing the survival of turbot. The study conducted in Bulgarian and Romanian waters showed high vitality rate (more than 80 %) of turbot caught in monofilament gillnets. In this context, the STECF concluded that the survivability is high.
- (5) On 7 July 2022 Bulgaria and Romania submitted an updated joint recommendation on the extension of the exemption of high survivability for turbot to the landing obligation in the Black Sea for two years.
- (6) The Commission considers that the survivability evidence showed in the referred study is sufficiently high. Therefore, the exemption under Article 15(4), point (b), of Regulation (EU) No 1380/2013 should be extended. Delegated Regulation (EU) 2021/2065 should therefore be amended accordingly.
- (7) Since the measures provided for in this Regulation have a direct impact on the economic activities linked to and the planning of the fishing season of Union vessels, this Regulation should enter into force immediately after its publication. In accordance with the joint recommendation and taking into account the time-frame set out in Article 15(1) of Regulation (EU) No 1380/2013, this Regulation should apply at a later date,

HAS ADOPTED THIS REGULATION:

Article 1

Delegated Regulation (EU) 2021/2065 is amended as follows:

- (1) in Article 3, paragraph 1 is replaced by the following:

'1. The exemption from the landing obligation pursuant to point (b) of Article 15(4) of Regulation (EU) No 1380/2013 for species for which scientific evidence demonstrates high survival rates shall apply until 31 December 2024 to turbot (*Scophthalmus maximus*) caught with bottom-set gillnets (GNS) in the Black Sea.'

- (2) in Article 3, paragraph 3 is deleted;

- (3) in Article 4, the second sentence is replaced by the following:

'It shall apply from 1 January 2022 to 31 December 2024.'

Article 2

This Regulation shall enter into force on the day following that of its publication in the *Official Journal of the European Union*.

It shall apply from 1 January 2023.

This Regulation shall be binding in its entirety and directly applicable in all Member States.

Done at Brussels, 12 August 2022.

For the Commission
The President
Ursula VON DER LEYEN

(*) Evaluation of Joint Recommendations on the landing obligation and on Technical Measures Regulation (STECF-22-05).